

TURNER & MEDE, P.C.
Terrance A. Turner
Co-Counsel for defendant and counterclaimant
Tanadgusix Corporation
1500 West 33rd Avenue, Suite 200
Anchorage, Alaska 99503-3502
Telephone: (907) 276-3963
Fax: (907) 277-3695
Email: tturner@turnermede.com

LAW OFFICE OF DOUGLAS F. STRANDBERG
Douglas F. Strandberg
Co-Counsel for defendant and counterclaimant
Tanadgusix Corporation
P. O. Box 547
Friday Harbor, Washington 98250
Telephone: (360) 378-3390
Fax: (360) 378-3490
Email: dfslaw@rockisland.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

AT ANCHORAGE

| | | |
|--|---|--|
| CITY OF SAINT PAUL, a municipal corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:97-cv-0181 HRH |
| vs. |) | |
| |) | |
| DONALD EVANS, Secretary of the United States Department of Commerce, and CONRAD C. LAUTENBACHER, JR., Administrator, National Oceanic and Atmospheric Administration, and TANADGUSIX CORPORATION, an Alaska corporation, |) | UNOPPOSED MOTION BY DEFENDANT |
| |) | AND COUNTERCLAIMANT TANADGUSIX |
| |) | CORPORATION MODIFYING DEADLINES |
| |) | IN SCHEDULING ORDER FOR DAMAGES |
| |) | AND REMEDIES PHASE OF CASE |
| Defendant. |) | |
| |) | |
| |) | |

Defendant and counterclaimant Tanadgusix Corporation
("TDX"), by and through its attorneys of record, Turner & Mede,

P.C. and Law Office of Douglas F. Strandberg, P.S., hereby moves for the entry of the attached modified scheduling order. Such motion has been discussed with the attorneys for plaintiff and counterdefendant City of Saint Paul ("City") and is unopposed by the City.

The modified scheduling order sought by this unopposed motion changes the deadlines by which (a) expert designations are to be served from August 28, 2006 to November 28, 2006, (b) expert reports are to be served from December 28, 2006 to March 29, 2007, (c) lay witness discovery completion from December 28, 2006 to March 29, 2007, (d) expert witness discovery completion from February 28, 2007 to May 28, 2007, (e) filing of discovery motions from March 29, 2007 to June 29, 2007, and (f) filing of summary judgment motions, *in limine* motions and motions for ruling on the law of the case from February 28, 2007 to May 28, 2007.

The reason for this unopposed motion is that the City and TDX are currently engaged in settlement negotiations. The negotiations involve complex land issues and require considerable coordination among the parties and their consultants. The parties believe such negotiations will be materially aided by such extensions.

Over the last three months the parties have made considerable progress in their negotiations. Proceeding on the basis that the best way to resolve complex upland, tideland, and access issues on Saint Paul Island, especially the Harbor area, is

for the parties to agree on a subdivision of land in the Harbor area and to locate all existing utilities, the parties have exchanged several comprehensive draft settlement proposals.

TDX retained consulting engineers who, after numerous meetings with TDX management and attorneys, prepared a comprehensive set of maps which detail current land status and proposed subdivision and ownership and road dedication, which maps have been utilized in negotiations.

After the City, on March 6, 2006, provided TDX with the City's counterproposal to TDX' comprehensive settlement proposal, TDX held a two-day Board of Directors meeting exclusively on the City counterproposal and the Board directed TDX management and attorneys to continue negotiations. As a result on June 23, 2006 TDX presented the City with a detailed revised settlement proposal, a draft offer, and a thirteen page letter of explanation of proposed or revised terms. TDX has also made detailed suggestions to the City for revision of certain City ordinances, which revisions may be necessary to accomplish settlement. The City and its attorneys are in the process of reviewing the latest TDX settlement proposal and they have indicated to TDX attorneys that they are now prepared to discuss the latest TDX proposal. The parties anticipate that next week they will be meeting to discuss and attempt to resolve their remaining differences between the last two proposals. The parties still anticipate that by the end of September, 2006 they should be in a position to determine if a

settlement can be achieved without further involvement of the Court. Such unopposed motion does not affect any rights or obligations of the only other parties in this case, the Federal Defendants. As a result, it should be granted by the Court forthwith.

RESPECTFULLY SUBMITTED at Anchorage, Alaska, this 31ST day of August, 2006.

TURNER & MEDE, P.C.
Co-counsel for Defendant and
Counterclaimant, Tanadgusix Corporation

s/ Terrance A. Turner
Turner & Mede, P.C.
1500 W. 33rd Avenue, Suite 200
Anchorage, AK 99503-3502
Phone: 907-276-3963
Fax: 907-277-3695
E-Mail: tturner@turnermede.com
Alaska Bar No. 7410113

LAW OFFICES OF DOUGLAS F. STRANDBERG
Co-counsel for Defendant, Tanadgusix
Corporation

Certificate of Service

This is to certify that on this 31ST day of August, 2006, a copy of the foregoing was served Electronically on:

Department of Justice
Environmental & Natural Resources Division
Attn: Dean K. Dunsmore
801 "B" Street, Suite 504
Anchorage, AK 99501-3657

Law Office of Douglas F. Strandberg
Attn: Douglas F. Strandberg
562 Primrose Lane
Friday Harbor, WA 98250

Pepper Hamilton, LLP
Attn: Charles H. Carpenter
Stephen M. Truitt
Hamilton Square, Suite 500
600 Fourteenth Street NW
Washington, DC 20005-2004

Office of Ronald L. Baird
Attn: Ronald L. Baird
P. O. Box 100440
Anchorage, AK 99510-0440

/s Terrance A. Turner